

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DARNELL ROY,	)	
	)	Civil Action
Petitioner	)	No. 2006-CV-02482
	)	
vs.	)	
	)	
JAMES T. WYNDER, Superintendent,	)	
THE DISTRICT ATTORNEY OF THE	)	
COUNTY OF PHILADELPHIA and	)	
THE ATTORNEY GENERAL OF THE	)	
STATE OF PENNSYLVANIA,	)	
	)	
Respondents	)	

O R D E R

NOW, this 18<sup>th</sup> day of June, 2007, upon consideration of the pro se petition for writ of habeas corpus, which petition was filed June 9, 2006; upon consideration of the Response to Petition for Writ of Habeas Corpus, which response was filed September 25, 2006; upon consideration of Petitioner's Traverse to the Respondents' Response to His § 2254 Habeas Petition, which traverse was filed October 4, 2006; upon consideration of the Report and Recommendation of United States Magistrate Judge Carol Sandra Moore Wells filed November 22, 2006; upon consideration of Petitioner's Objections to the Magistrate's Report and Recommendation, which objections were filed December 4, 2006; upon consideration of the Response to Petitioner's Objections to Report and Recommendation, which response was filed December 14, 2006, it appearing that petitioner's objections to Magistrate Judge Wells' Report and Recommendation are simply a restatement of the issues raised in his underlying petition for habeas corpus

relief and are without merit; it further appearing after de novo review of this matter that Magistrate Judge Wells' Report and Recommendation correctly determined the legal and factual issues presented in the petition for habeas corpus relief,

IT IS ORDERED that Magistrate Judge Wells' Report and Recommendation is approved and adopted.

IT IS FURTHER ORDERED that petitioner's objections to Magistrate Judge Wells' Report and Recommendation are overruled.<sup>1</sup>

IT IS FURTHER ORDERED that the pro se petition for habeas corpus relief is denied without a hearing.

IT IS FURTHER ORDERED that because petitioner fails to demonstrate either the denial of a constitutional right or that

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<sup>1</sup> When objections are filed to a magistrate judge's report and recommendation, I am required to make a de novo determination of those portions of the report, findings or recommendations made by the magistrate judge to which there are objections. 28 U.S.C. § 636(b)(1); Rule 72.1(IV)(b) of the Rules of Civil Procedure for the United States District Court for the Eastern District of Pennsylvania. Furthermore, district judges have wide latitude regarding how they treat recommendations of the magistrate judge. See United States v. Raddatz, 447 U.S. 667, 100 S.Ct. 2406, 65 L.Ed.2d 424 (1980). Indeed, by providing for a de novo determination, rather than a de novo hearing, Congress intended to permit a district judge, in the exercise of the court's sound discretion, the option of placing whatever reliance the court chooses to place on the magistrate judge's proposed findings and conclusions. I may accept, reject or modify, in whole or in part any of the findings or recommendations made by the magistrate judge. Raddatz, supra.

As noted above, I conclude that petitioner's objections to Magistrate Judge Wells' Report and Recommendation are nothing more than a restatement of the underlying claims contained in his petition for habeas corpus. Moreover, upon review of the Report and Recommendation, together with de novo review of this matter, I conclude that the Report and Recommendation correctly determines the legal and factual issues raised by petitioner.

Accordingly, I approve and adopt Magistrate Judge Wells' Report and Recommendation and overrule petitioner's objections to the Report and Recommendation.

reasonable jurists would disagree with this court's disposition of his claims, a certificate of appealability is denied.

IT IS FURTHER ORDERED that the Clerk of Court shall mark this matter closed for statistical purposes.

BY THE COURT:

/s/ JAMES KNOLL GARDNER  
James Knoll Gardner  
United States District Judge